

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN D. REDMAN,)	3:17-CV-0551-RCJ-CLB
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	April 29, 2020
)	
GENE YUP,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On January 17, 2020 and March 19, 2020, the Office of the Attorney General filed notices of suggestion of death of Gene Yup who died on December 26, 2019 (ECF Nos. 41 & 43). Plaintiff has filed a motion for substitution of defendant to the Estate of Gene Hing Yup and requested service of the estate (ECF Nos. 46, 47, & 48). No opposition was filed. Pursuant to Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion . . . shall constitute a consent to the granting of the motion

Plaintiff's motions for substitution and service (ECF Nos. 46, 47, & 48) are **GRANTED**. If plaintiff wishes to have the U.S. Marshal attempt service on the personal representative of the estate pursuant to NRS 143.190, he shall follow the instructions contained in this order.

The Clerk shall ISSUE a summons for **Catherine Yup, in her capacity as personal representative of the Estate of Gene Hing Yup** and send the same to the U.S. Marshal. The court will provide the address of Catherine Yup to the U.S. Marshal under seal. The Clerk shall also SEND a copy of the amended complaint (ECF No. 33), the screening order (ECF No. 39), and this order to the U.S. Marshal for service on the estate. The Clerk shall SEND to plaintiff one USM-285 form. Plaintiff shall have until **Friday, May 15, 2020**, to complete the USM-285 service form and return it to the U.S. Marshal, 400 South Virginia Street, 2nd Floor, Reno, Nevada 89501.

If plaintiff fails to follow this order, the estate will be dismissed as a defendant for failure to complete service of process pursuant to Fed.R.Civ.P. 4(m).

The Clerk shall **SEND** a courtesy copy of the summons, the amended complaint (ECF No. 33), the screening order (ECF No. 39), and this order to the attorney for the estate at the following address:

Tyson Cross, Esq.
Cross Law
611 Sierra Rose Drive, Suite B
Reno, NV 89511

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

By: /s/
Deputy Clerk